

EXHIBIT A

FILED BY  D.C.

05 MAY -5 AM 10:18

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ROBERT P. J. TROLLO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

CYNTHIA D. NICHOLS,

Plaintiff,

vs.

Case No. 04-2044-MI P

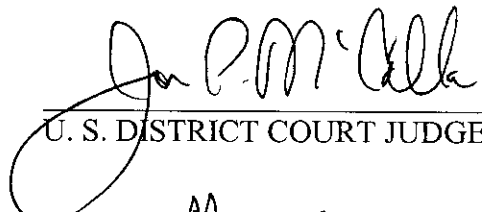
E. W. JAMES & SONS, INC. and/or
E. W. JAMES & SONS, INC./EXCEL,

Defendants.

ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, it appearing to the Court, upon consent of the parties as evidenced by the signatures of their attorneys hereinbelow, that Plaintiff Cynthia D. Nichols and Defendant E. W. James & Sons, Inc. and/or E. W. James & Sons, Inc/Excel, have settled this case and that by the parties' agreement Plaintiff Nichols' claims as set forth in her complaint should be dismissed with prejudice and each party should bear her or its' own costs and fees.

IT IS, THEREFORE, ORDERED that Plaintiff Nichols' claims as set forth in the complaint are dismissed in their entirety with prejudice and further that each party shall bear her or their own costs and fees.

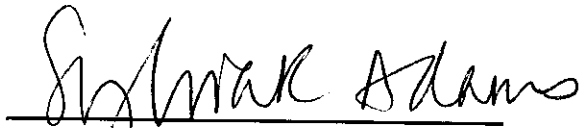

U. S. DISTRICT COURT JUDGE

DATE: MAY 5, 2005

APPROVED:

A handwritten signature in black ink, appearing to read "Ron Woodruff", written over a horizontal line.

RON WOODRUFF, ESQ.
Counsel for Plaintiff Cynthia D. Nichols

A handwritten signature in black ink, appearing to read "Paul E. Prather", written over a horizontal line.

PAUL E. PRATHER
SYLVIA R. ADAMS
Attorneys for Defendants
E. W. James & Sons, Inc. and/or
E. W. James & Sons, Inc/Excel



Notice of Distribution

This notice confirms a copy of the document docketed as number 56 in case 2:04-CV-02044 was distributed by fax, mail, or direct printing on May 5, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT